



General Assembly

Seventy-fifth session

Official Records

Distr.: General
1 February 2021

Original: English

Third Committee

Summary record of the 11th meeting

Held at Headquarters, New York, on Tuesday, 17 November 2020, at 3 p.m.

Chair: Ms. Bogyay (Hungary)

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The meeting was called to order at 3.05 p.m.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/75/L.41 and A/C.3/75/L.54)

Draft resolution A/C.3/75/L.41: Moratorium on the use of the death penalty

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Baeriswyl** (Switzerland), introducing the draft resolution also on behalf of Mexico and the interregional task force comprising Albania, Angola, Argentina, Australia, Benin, Brazil, Chile, Micronesia (Federated States of), Mongolia, New Zealand, Serbia and the United Kingdom of Great Britain and Northern Ireland, and the European Union and its member States, said that the draft resolution was based largely on previous relevant resolutions adopted by the General Assembly since 2007. The focus of the draft resolution was a moratorium on the use of the death penalty, not its abolition.

3. All proposals by Member States had been carefully considered, and additions and adjustments that were in line with the purpose of the draft resolution had been made. Thus, a reference to the role of civil society in the debate had been added; reductions in reported executions and the increase in commutations of death sentences throughout the world had been noted; the need to improve conditions in prisons in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) had been emphasized; a gender perspective had been incorporated; a reference to the work of the treaty bodies had been included; the commutation of death sentences had been welcomed, among other steps to limit the application of the death penalty; amnesties and pardons had been added to the relevant information that should be made available by States with regard to their use of the death penalty; the protection of minors had been strengthened; and language had been included on the provision of information to the families, children and legal representatives of inmates on death row and to the inmates themselves.

4. The facilitators had endeavoured to find compromises and have in-depth discussions, including with regard to a paragraph on sovereignty. Given that it was stated in the first preambular paragraph that the

draft resolution was guided by the purposes and principles contained in the Charter of the United Nations, including the principle of sovereignty, a paragraph on sovereignty had not been included.

5. The draft resolution included encouragement for debates and discussions without prejudice to their results and without imposing any obligations. In line with the mandates of the General Assembly and the Committee, and in the light of worldwide developments with respect to the abolition of the death penalty, the main purpose of the draft resolution was to invite all States to establish a moratorium on executions, which enhanced the protection of human rights and, first and foremost, the right to life. More than four out of five countries had either abolished or did not apply the death penalty, thus confirming the global trend of steadily moving away from its application.

6. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Andorra, Benin, Bolivia (Plurinational State of), Dominican Republic, El Salvador, Guinea-Bissau, Haiti, Israel, Kyrgyzstan, Micronesia (Federated States of), Panama, Paraguay, San Marino, Togo, Ukraine, Uruguay and Venezuela (Bolivarian Republic of).

7. He then noted that Guinea also wished to become a sponsor.

8. **The Chair** drew attention to the proposed amendment contained in document A/C.3/75/L.54 and noted that it had no programme budget implications.

9. **Mr. Gafoor** (Singapore), speaking also on behalf of Antigua and Barbuda, Bahrain, Bangladesh, Belize, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, the Lao People's Democratic Republic, Libya, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, the Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, the Sudan, the Syrian Arab Republic, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe, said that the proposed amendment contained in document A/C.3/75/L.54 simply reaffirmed a fundamental principle of the Charter of the United Nations and was consistent with international law. The proposed paragraph had been taken directly from paragraph 1 of General Assembly resolutions 71/187 and 73/175, which had been adopted by a majority of Member States. His delegation had therefore been disappointed that the paragraph, which was an integral part of the previously adopted resolutions, had not been included in the draft resolution and did not believe that the preamble sufficiently

addressed the matter. Many delegations had supported the inclusion of a paragraph on sovereignty during the informal consultations. Almost none of the substantial amendments proposed by his delegation had been accepted by the proponents of the draft resolution, notwithstanding the professional, inclusive and transparent manner in which they had facilitated the informal discussions.

10. By failing to acknowledge the fact that international law permitted and did not prohibit the use of the death penalty, the draft resolution was legally flawed. Article 6.2 of the International Covenant on Civil and Political Rights provided for the use of the death penalty for the most serious crimes in accordance with due process of law. Meanwhile, the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, was an optional instrument that did not reflect customary law or enjoy universal participation.

11. The purpose of the amendment was to defend the rights of Member States under international law by restoring the paragraph on sovereign rights in the draft resolution. There was no intention to advocate the use of the death penalty. The current text of the draft resolution did not reflect the diversity of legal and political systems around the world. Its fundamental flaw was the attempt to impose a norm on an issue that did not enjoy international consensus. The draft resolution set a bad precedent for the work of the Committee by providing a template for one group of countries to impose their views on any issue on other Member States.

12. The amendment was intended fundamentally to demonstrate mutual respect. In a rules-based multilateral system, when there was no agreement on norms, Member States had a responsibility to build consensus through dialogue, with respect for each other's differences. The amendment reaffirmed the fundamental principle of sovereign equality and maintained that establishing a moratorium was a sovereign decision, not a decision to be imposed by one group of countries on the rest of the world.

13. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Burundi, Malaysia, Mauritania, Palau, Saint Lucia, United Republic of Tanzania and Zambia.

14. He then noted that the Comoros and South Sudan also wished to become sponsors.

Statements made in explanation of vote before the voting

15. **Mr. Sautter** (Germany), speaking on behalf of the European Union and its member States, said that the supporters of the draft resolution included countries that had abolished capital punishment, countries that had adopted a moratorium on executions or sentences, countries that had abolished the death penalty for ordinary crimes but maintained it for extraordinary circumstances and countries that maintained the death penalty for certain crimes but did not carry out executions in practice. Despite their different circumstances, those countries agreed that proclaiming a moratorium on the use of the death penalty contributed to enhancing respect for human rights and human dignity, because any miscarriage or failure of justice in the imposition of the death penalty was irreversible and irreparable.

16. The Committee considered questions related to human rights and social affairs, and the draft resolution addressed a human rights matter. In his call to action for human rights in February 2020, the Secretary-General had called for the false dichotomy between human rights and national sovereignty to be overcome. However, the amendment implied that respect for human rights and human dignity in the context of calling for a moratorium on the application of the death penalty would infringe on national sovereignty. On the contrary, the promotion and protection of human rights and human dignity in fact strengthened States and societies and thereby reinforced sovereignty.

17. States were not being asked to change their criminal laws or to immediately abolish the death penalty. Declaring a moratorium on executions was a political decision by a Government, with no implications for national legislation. It was therefore not necessary to reaffirm the sovereign right of States to develop their own legal systems. There was no assertion in the draft resolution that the imposition of the death penalty was contrary to international law. The first preambular paragraph provided that the draft resolution was guided by the purposes and principles contained in the Charter of the United Nations, including the principle of sovereignty.

18. The main sponsors of the draft resolution respected the right of Member States to retain the death penalty and ignore the call for a universal moratorium. The amendment, however, was one-sided, as it considered the right of States to continue executions but not the legal limitations of that right. For those reasons, the States members of the European Union would vote against the amendment.

19. **Mr. Carazo** (Costa Rica) said that there was no evidence that the death penalty had a deterrent effect. The death penalty was a cruel and inhuman punishment that degraded people by violating their most fundamental human rights, such as dignity and the right to life. No circumstances or crime justified its application. Since his country had abolished the death penalty in 1882, great efforts had been made to build and strengthen a legal system focused on the prevention of crime and criminal proceedings aimed at rehabilitation and social reintegration. The experience of Costa Rica showed that it was possible to have an effective legal system without resorting to the death penalty. Countries that still applied the death penalty should consider completely abolishing it.

20. In accordance with the humanist tradition of its people, Costa Rica had unequivocally opposed the death penalty together with the majority of the international community. Substantive improvements had been made to the draft resolution, such as the inclusion of a reference to the Nelson Mandela Rules and the incorporation of a gender perspective and of the principle of the best interests of the child. The momentum gained in recent decades towards the worldwide abolition of the death penalty had been accurately reflected in the draft resolution. Since 1977, the number of countries that had abolished the death penalty in law or in practice had increased from 16 to 142, with fewer and fewer countries employing that cruel, inhuman and degrading practice, which brought justice for neither victims nor offenders. For those reasons, his delegation firmly supported the draft resolution and urged other delegations to vote against the amendment.

21. **Ms. Al-Katta** (Canada) said that her country fully supported the principle that all countries had the right to develop their own legal systems. However, the proposed amendment was unnecessary because it was clear from the first preambular paragraph of the draft resolution that it was guided by the purposes and principles contained in the Charter of the United Nations, including the principle of State sovereignty. The main sponsors had taken great care to ensure balance in the text between the right of States to determine their own legal systems and the need for States to uphold their obligations under international human rights law. The principle of State sovereignty had thus been woven into the very fabric of the draft resolution. Her delegation would vote against the amendment.

22. **Mr. Tshibangu** (Democratic Republic of the Congo) said that his delegation would vote in favour of the amendment. A strong legal system supported the smooth running of a country, and the judiciary required

all the tools necessary to ensure the application of the law when necessary. The amendment provided for the granting of the power necessary for each State to respond to legal challenges in accordance with its own circumstances. His delegation firmly supported the addition of a paragraph that reaffirmed the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations.

23. **Mr. Sarufa** (Papua New Guinea) said that the persistent calls for a moratorium on the use of the death penalty, with a view to ultimately abolishing it, were highly insensitive to current realities. As demonstrated by the consultations and the introduction of the amendment, the issue remained a sensitive, contentious and highly divisive one for the United Nations, given the lack of international consensus on the matter. His delegation therefore encouraged ongoing dialogue and mutual respect and understanding on that important issue. Indeed, his Government had launched, in July 2020, national consultations on the death penalty as an integral part of its justice and law reform programme. However, dialogue must not be misconstrued as licence for the opponents of the death penalty to impose their will.

24. Several core issues were addressed in the draft resolution, including the right to life, the sovereignty of States and national criminal justice systems. However, the draft resolution suffered yet again from several fundamental flaws. First, it was crafted primarily to suit the inherent and parochial interests of delegations opposed to the death penalty. Second, the fundamental fact that the death penalty was not illegal under international law had been deliberately omitted. While the right to life was protected under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and its Second Optional Protocol, capital punishment was not outlawed, as shown by article 6, paragraph 2, of the Covenant.

25. It was regrettable that the sponsors of the draft resolution had been unwilling to consider the amendment during the informal consultations despite repeated calls from many delegations. His delegation was not convinced by the argument that the first preambular paragraph was sufficient to address the issue of State sovereignty. Rather, the omission of a stand-alone paragraph on that issue obscured, downgraded and diminished the critical importance of State sovereignty. The amendment was specifically intended to balance and strengthen the draft resolution. Its outright rejection by the sponsors of the draft resolution disregarded the fact that the exact same paragraph had been adopted by

the Committee and the plenary of the General Assembly at the seventy-first and seventy-third sessions.

26. The international legal framework within which Member States operated was premised on respect for sovereignty. The questions of whether to establish a moratorium, whether to retain or abolish the death penalty and the types of crimes for which the death penalty was applied were to be decided on solely by sovereign States, taking into account the sentiments of their own people, the nature of the crimes and their criminal policy and law. For those reasons, his delegation had sponsored the amendment and would vote in favour of it, and would vote against the draft resolution.

27. **Mr. Sandoval Mendiola** (Mexico) said that, as one of the facilitators of the draft resolution, his delegation reiterated its full respect for the sovereign right of each State to determine its criminal justice system in accordance with its international law and human rights obligations. The draft resolution was firmly anchored in the purposes and principles set out in the Charter of the United Nations, including the principle of the sovereign equality of all Member States, as affirmed in the first preambular paragraph of the draft resolution. Since 2007, the resolution on a moratorium on the use of the death penalty had contributed to strengthening the right to life, with full respect for the sovereign powers of all Member States, and had stimulated international debate on a moratorium. The history of the resolution demonstrated its strict adherence to the principles of the Charter and international law, and confirmed that the death penalty was a human rights issue.

28. While respecting the right of each State to determine its position with respect to the death penalty, his delegation supported the call made in the draft resolution for the establishment of moratoriums. The facilitators of the draft resolution had made every effort to bridge the gap between the diverse positions. Given that nothing in the draft resolution violated the principle of the sovereign equality of States or contravened the Charter, the amendment did not improve the text. For those reasons, and as a Co-Chair of the interregional task force for a moratorium on the use of the death penalty, Mexico would vote against the amendment. Delegations should focus on the essence of the draft resolution and its call for the establishment of moratoriums, which was firmly guided by the purposes and principles of the Charter.

29. **Mr. Shahin** (Egypt) said that his delegation supported the amendment. During the consultations on the draft resolution, the sponsors had failed to heed the

repeated requests of numerous delegations to include paragraph 1 of the resolution adopted at previous sessions. The proposed amendment recalled Article 2, paragraph 7 of the Charter of the United Nations, which clearly stipulated that nothing in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. Under that well-established guiding principle of the Charter, States had the inalienable sovereign right to determine appropriate legal measures and penalties for their societies, including application of the death penalty for the most serious crimes in accordance with international law, including article 6 of the International Covenant on Civil and Political Rights. The amendment sought to strike a balance and slightly improve the text, while respecting the two standpoints on the issue. Delegations should vote in favour of the amendment.

30. **Ms. Eugenio** (Argentina) said that the focus of the draft resolution was calling on States to establish a moratorium on the use of the death penalty, which would not only enhance respect for human dignity, but also strengthen human rights. The draft resolution in its current form upheld respect for State sovereignty in accordance with international law and was not designed to interfere with a State's legislative powers. On the contrary, as established in the initial preambular paragraphs, its aim was to encourage each State to consider a moratorium on the use of the death penalty in the context of the principles and purposes of the Charter of the United Nations and international human rights law. Its provisions did not impose obligations on States to change their domestic legal order, in particular their criminal justice system. The insertion of a paragraph on sovereignty would be of no added value or legal relevance to the draft resolution, as it already stated that a moratorium should be addressed in accordance with the principles of international law, in particular the principle of the sovereign equality of States, in line with Article 2 of the Charter. Her delegation would therefore vote against the amendment.

31. **Mr. Sadnovic** (Indonesia) said that the paragraph proposed in the amendment would be an important addition to the draft resolution and would ensure that a moratorium was a policy preference of Member States. The decision to adopt a moratorium, like the decision to abolish or not to abolish the death penalty, was a manifestation of State sovereignty. The preference or decision of States with regard to the death penalty was safeguarded by the provisions of the International Covenant on Civil and Political Rights. Any document issued by a universal body such as the United Nations should represent the diverse political and legal systems of Member States.

32. **Mr. Roscoe** (United Kingdom) said that his delegation welcomed the draft resolution and hoped that it would receive the support of a clear majority of Member States. The long-standing policy of the United Kingdom was to oppose the use of the death penalty in all circumstances. His delegation strongly opposed the amendment, as the inclusion of a paragraph on sovereignty would undermine the overall intent of the draft resolution. The draft resolution was not an attempt to impose the will or views of any group of States on any other group of States. The draft resolution was a call for a moratorium on executions, not a call for States to change their criminal law or to abolish the death penalty. It did not therefore affect the sovereign right of States to develop and direct their own legal systems. Member States should vote against the amendment.

33. **Mr. Almanzlawiy** (Saudi Arabia) said that his delegation regretted that it had not been possible to incorporate the amendment proposed by his country and several others during the negotiations with the main sponsors. Saudi Arabia had hoped to establish the principle of consensus in order to produce a draft that all delegations could accept and that was inclusive of all ideas expressed. His delegation would vote in favour of the proposed amendment, which reaffirmed the right of all countries to develop their own legal systems and determine appropriate legal penalties, in accordance with their international law obligations. The paragraph lent balance to the resolution and made it possible to fulfil the hope of reaching consensus. Saudi Arabia would also vote in favour of the amendment because it believed in the inherent right of States to apply their domestic laws in a manner that preserved national security and stability. States Members of the United Nations had an obligation to respect and safeguard that right.

34. His delegation regretted the manner in which the negotiations had been handled and the lack of flexibility in the discussions. It was also surprised at the unsubstantiated claims made in certain paragraphs, such as the seventh preambular paragraph, in which it was baselessly stated that there was no conclusive evidence of the deterrent value of the death penalty.

35. Application of the death penalty did not contravene international law. In Saudi Arabia, the death penalty was imposed only for the most heinous crimes, within the narrowest restrictions, in line with domestic laws, and only after a fair and transparent trial had been conducted and a clear conviction handed down. Moreover, all death penalty cases were subject to several stages of judicial review and considered by more than 10 judges during that process.

36. His country's new juvenile justice system established age-appropriate arrest, investigation and trial procedures. If the crime committed by a juvenile was punishable by death, the juvenile would be placed under house arrest for a period not exceeding 10 years.

37. Noting that the death penalty had been conceived to preserve society and ensure its stability and security, he expressed dismay at the inclusion of unjustifiably condescending language in the draft resolution. Such language undermined the principles of national sovereignty and equality between Member States, in addition to disregarding the differences in penal systems. For those reasons, his delegation would vote against the draft resolution.

38. **Ms. Idres** (Sudan) said that her delegation supported the proposed amendment, which affirmed the sovereign right of States to develop their own legal systems. The amendment did not contravene international law or undermine human rights. She therefore called on all Member States to vote in favour of it.

39. *A recorded vote was taken on the proposal contained in document [A/C.3/75/L.54](#) to amend draft resolution [A/C.3/75/L.41](#).*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burundi, Cambodia, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gambia, Ghana, Grenada, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Benin, Bolivia (Plurinational State of), Chad, Côte d'Ivoire, Djibouti, Guatemala, Guinea, Kiribati, Liberia, Micronesia (Federated States of), Mozambique, Nepal, Republic of Korea, Rwanda, Samoa, Togo, Turkey.

40. *The proposal was adopted by 95 votes to 69, with 17 abstentions.*

41. **Mr. Gafoor** (Singapore) asked whether the delegations that had sponsored the draft resolution before the adoption of the amendment would automatically become sponsors of the amended draft resolution?

42. **Mr. Mahmassani** (Secretary of the Committee) said that any delegation wishing to withdraw its sponsorship of the amended draft resolution, or to become a sponsor thereof, could do so by making a statement before action was taken on it.

43. **Mr. Gafoor** (Singapore) said that it was his delegation's understanding, therefore, that delegations would continue to sponsor the amended draft resolution in its entirety unless they withdrew their sponsorship.

44. **Mr. Guzmán Muñoz** (Chile) said that his delegation had voted against the amendment. In a draft resolution dealing with the fundamental right to life, human rights should come before other considerations. The new paragraph, which had not been included after lengthy negotiations, set a precedent that his delegation did not wish to be part of. The paragraph undermined the spirit of the draft resolution and weakened the progressive development of international human rights law. Similar proposals had been rejected in other

forums, including in the Human Rights Council. The adoption of the amendment was regrettable; the General Assembly, as the principal organ of the United Nations, was sending the wrong message by placing other considerations above unconditional respect for human rights. While his delegation regretted the inclusion of the paragraph, it called on other delegations to vote in favour of the draft resolution, including those that had had concerns before the adoption of the amendment.

45. **Mr. Ajayi** (Nigeria) said that his delegation had voted in favour of the amendment. The call on States to determine their preference with regard to the imposition of a moratorium on the death penalty was clear, unambiguous and consistent with the principles of international law. In line with its commitment to secularity, Nigeria was home to various religious beliefs that affirmed the sanctity of human life as not only a moral obligation, but also a fundamental basis for existence. Nigeria also strongly advocated adherence to the Universal Declaration of Human Rights, one of the inherent provisions of which was the right to life, as had always been reflected in its national policies. A commitment to national sovereignty was fundamental to the essence of the draft resolution. The sponsors of the text had gone beyond calling for a commitment to a moratorium on the death penalty to attempt to make States compromise their sovereignty and vitiate their existing domestic law.

46. Nigeria had not imposed capital punishment since 1999, reflecting its prudent, pragmatic and logical approach to a moratorium on the death penalty. Even in the ongoing war against terrorism, his Government had demonstrated its commitment to the sanctity of human life through the institution of many amnesty programmes for repentant Boko Haram terrorists.

47. **Mr. Roscoe** (United Kingdom) said that, in the light of the adoption of the amendment, which his delegation had voted against, the United Kingdom wished to withdraw its sponsorship of the amended draft resolution.

48. **The Chair** said that a recorded vote had been requested on draft resolution [A/C.3/75/L.41](#), as amended.

Statements made in explanation of vote before the voting

49. **Mr. Shahin** (Egypt) said that, under Egyptian law, the death penalty was restricted to the most serious crimes and could be imposed only in accordance with due process of law. While article 6 of the International Covenant on Civil and Political Rights stressed that nothing in it should be invoked to delay or prevent the

abolition of capital punishment by any State party to the Covenant, it did not prohibit its imposition. The aim of the article was clearly to ensure that the death penalty was imposed only for the most serious crimes, in accordance with the law in force at the time of the commission of the crime and pursuant to a final judgment rendered by a competent court. It also provided for the right to seek pardon or commutation of the sentence. Due process, not abolition, was therefore the key element of article 6.

50. The draft resolution ignored the fact that there was a diversity of legal, social, economic and cultural conditions in the world and that not all rules were suitable in all societies or at all times. While some Member States had voluntarily decided to abolish the death penalty and others had chosen to apply a moratorium on executions or to retain the death penalty, all sides were acting in accordance with their obligations under the International Covenant on Civil and Political Rights and had chosen freely, under their sovereign right established by the Charter of the United Nations, the path that corresponded to their social, cultural and legal needs in order to maintain security, stability, social order and peace. No side should impose its views on others, but the sponsors of the draft resolution were attempting to do so. For those and other reasons, Egypt would vote against the draft resolution.

51. **Ms. Sorto Rosales** (El Salvador) said that a balanced text had been achieved that referred to the International Covenant on Civil and Political Rights as one of the main frameworks within which a moratorium should be addressed. Her country was committed to upholding the right to life and all human rights of all persons without discrimination. Its Constitution of 1983 reserved the death penalty exclusively for military crimes during a state of international war and prohibited its use for civil crimes. El Salvador had since maintained a de facto abolition, in accordance with the moratorium, even during the civil war in the country. Her delegation would therefore vote in favour of the draft resolution.

52. **Mr. Gafoor** (Singapore) said that the adoption of the amendment was a small step forward for multilateralism, mutual respect and mutual understanding. The Committee had, for the third time in a row, decided that paragraph 1 had a rightful place in the draft resolution and that it should not be dismissed, denied or omitted. The proponents of the draft resolution should take note of that clear message and seriously review their approach in the future, as it was simply not tenable or reasonable to keep omitting that paragraph. They should accept that the important principle of sovereign rights should be recognized in the draft resolution. The proponents should also shift their

mindset towards building consensus and engaging in dialogue on the basis of mutual respect. The sponsors of the amendment were ready to engage on the basis of mutual respect and mutual understanding.

53. Although the adoption of the amendment was an important step in the right direction, other problematic paragraphs remained in the draft resolution. Several delegations had made proposals to improve the accuracy of those paragraphs in order to reflect the views of many Member States. However, the main sponsors had refused to accept most of them. As a result, the draft resolution remained largely unchanged year after year, reflecting only a one-sided view of the world. That was certainly not the way things were done at the United Nations, where Member States tried to understand each other's differences and find compromise. In the future, the draft resolution should be updated in a meaningful way, taking into account the views of all countries. Given the serious flaws and lack of balance in the draft resolution, his delegation would vote against it.

54. **Mr. Butt** (Pakistan) said that the amended draft resolution was still deeply flawed and unbalanced. It failed to acknowledge that the use of the death penalty for the most serious crimes was permitted under international law, in particular article 6 of the International Covenant on Civil and Political Rights, which reaffirmed the sovereign right of all States to use the death penalty in a manner consistent with their international obligations and domestic law. His delegation had hoped for a more balanced and inclusive text that reflected the diverse positions of the States that continued to lawfully apply the death penalty. The draft resolution failed to recognize that the death penalty was an issue of criminal justice, not human rights. Its attempt to impose a particular world view and values on others was unacceptable. Every State had the inalienable and sovereign right to choose its political, economic, social, cultural, legal and criminal justice systems. The question of whether to retain, reintroduce or abolish the death penalty should be determined by each State taking into account its cultural, legal and religious circumstances. Since the draft resolution did not accurately reflect the views of all Member States in an objective, neutral and non-partisan manner, his delegation would vote against it.

55. **Ms. Abraham** (Trinidad and Tobago) said that her country was statute-barred from implementing measures outlined in a draft resolution in which Member States were called on to establish a moratorium on executions with a view to abolishing the death penalty. Under the legal framework of Trinidad and Tobago, capital punishment was the penalty for murder and treason. Safeguards were in place to ensure rigorous adherence

to due process and the rule of law before the delivery of a death sentence by a court.

56. The application of the death penalty was first and foremost a criminal justice matter that fell within the national jurisdiction of individual sovereign States. Her delegation had therefore supported the amendment, as it reaffirmed the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations. The application by Trinidad and Tobago of the death penalty was consistent with its national and international law obligations, including under the International Covenant on Civil and Political Rights. Her country also wished to reaffirm its sovereign right to determine appropriate legal penalties in the pursuit of national security, order and peace. For those reasons, her delegation would vote against the draft resolution.

57. **Ms. Al-Katta** (Canada), speaking also on behalf of Australia, said that both countries opposed the use of the death penalty in all cases everywhere, in line with article 6 of the International Covenant on Civil and Political Rights, which provided that every human being had the inherent right to life. They welcomed the increasing number of States that had implemented de jure or de facto moratoriums on the death penalty and encouraged all States to move in that direction.

58. Where the death penalty was still in use, international safeguards must be fully respected, including respect for due process of law and fair trials. Under article 6 of the Covenant, the death penalty could be imposed only for the most serious crimes; it should not be imposed arbitrarily or on persons below 18 years of age or pregnant women. Anyone sentenced to death had the right to seek pardon or commutation of the sentence. All States parties to the Covenant must fulfil their international obligations. No justice system was completely infallible, and the imposition of the death penalty meant that any miscarriage or other failure of justice could not be reversed.

59. The adoption of the amendment was deeply regrettable. The main sponsors had put forward a balanced draft resolution that took full account of the sovereign right of States to establish their own legal systems and did not in any way infringe on that right. Nevertheless, given the importance of the matter, Canada and Australia would vote in favour of the draft resolution.

60. **Ms. Mudallali** (Lebanon) said that her delegation would vote in favour of the draft resolution on the moratorium on the death penalty. With no executions since 2004, Lebanon had observed a de facto

moratorium for 16 years. Her delegation had also voted in favour of the proposed amendment, which did not contravene the Charter of the United Nations. Adopting the draft resolution would contribute to advancing the human rights agenda, to which her country was fully committed.

61. **Ms. Korac** (United States of America) said that her Government could not agree with establishing an international moratorium on the use of the death penalty as a criminal punishment, with a view to its eventual abolition. The decision to lawfully impose the death penalty must be addressed through the domestic democratic processes of individual Member States and be consistent with their international human rights obligations. Article 6 of the International Covenant on Civil and Political Rights, to which her country was a party, clearly authorized the use of the death penalty for the most serious crimes, in conformity with the law in force at the time of the commission of the offence and when carried out pursuant to a final judgment rendered by a competent court. The imposition of the death penalty must abide by exacting procedural safeguards established under articles 14 and 15 of the Covenant. Judicial enforcement of the Eighth Amendment of the United States Constitution ensured substantive due process at both the federal and state levels and prohibited methods of execution that would constitute cruel and unusual punishment. The United States was firmly committed to complying with its obligations under articles 6, 14 and 15 of the Covenant and strongly urged other countries that employed the death penalty to do the same.

62. Member States that supported the draft resolution should focus on addressing human rights violations that could result from the imposition of the death penalty in an extrajudicial, summary or arbitrary manner. Capital defendants must be given a fair trial before a competent, independent and impartial tribunal established by law, with full fair trial guarantees. Through their legal processes, States should carefully evaluate the category of defendant subject to the death penalty, the crimes for which it could be imposed and the manner in which it was carried out, so as to ensure that its use did not inflict undue suffering and that it complied with both domestic laws and international obligations undertaken freely by States. Her delegation would vote against the draft resolution.

63. **Mr. Tshibangu** (Democratic Republic of the Congo) said that his delegation would vote in favour of the draft resolution. In 2003, his country had resolutely embarked upon a process of abolishing the death penalty, at its own pace and taking into account its own sociocultural realities. There was a moratorium on the

death penalty, but it had not been abolished on account of its deterrent effect. His Government was aware of the disadvantages of the death penalty, including the fact that a judicial error could not be rectified once an execution had been carried out. The moratorium had been in place for almost 20 years with a view to promoting a change in attitudes and policies regarding the possibility of the complete abolition of the death penalty. The moratorium was applied by commuting death sentences to life imprisonment and by refraining, to the extent possible, from imposing many new death sentences.

64. **Mr. Ajayi** (Nigeria) said that his delegation had voted in favour of the amendment. However, in keeping with its traditional position of seeking middle ground on such issues, his delegation would abstain from voting on the draft resolution.

65. *A recorded vote was taken on draft resolution A/C.3/75/L.41, as amended.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Grenada, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libya, Maldives, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Sudan, Sudan, Syrian Arab Republic, Tonga, Trinidad and Tobago, Uganda, United States of America, Yemen.

Abstaining:

Belarus, Cameroon, Comoros, Cuba, Ghana, Guyana, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Mauritania, Morocco, Myanmar, Niger, Nigeria, Solomon Islands, Thailand, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

66. *Draft resolution A/C.3/75/L.41, as amended, was adopted by 120 votes to 39, with 24 abstentions.*

67. **Mr. Magosaki** (Japan) said that his delegation had voted against the draft resolution, as each Member State had the inherent right to decide whether to retain the death penalty or impose a moratorium. Such decisions should be made through careful consideration of public opinion, trends in serious crimes and the need for holistic balance in the criminal justice policies of Member States. In Japan, the death penalty was applied only for the most serious crimes and could not be imposed on persons below 18 years of age at the time of commission of the offence. The death penalty was suspended in cases of serious mental illness or pregnancy. His Government made relevant data publicly available, such as the number of persons sentenced to death but not executed, and the number of executions carried out, in compliance with its international obligations. The death penalty was applied in Japan in accordance with due process and in a rigorous and careful manner.

68. **Ms. Oh Hyunjoo** (Republic of Korea) said that her delegation had voted in favour of the draft resolution, taking into account the fact that no executions had been carried out in the past 23 years in the Republic of Korea, making it a de facto abolitionist State, and the upward trend in the number of States supporting the draft resolution. Her Government would continue to review the issue of the abolition of the death penalty de jure with prudence, taking into consideration the death penalty's function in criminal justice, public opinion on

the death penalty, and national and international circumstances.

69. **Mr. Sharma** (India) said that the death penalty was exercised extremely rarely in his country, and Indian law provided for all the requisite procedural safeguards, including the right to a fair trial by an independent court and the presumption of innocence. There were specific provisions for the commutation of the death penalty for pregnant women and rulings that prohibited the execution of people with mental disabilities. Juvenile offenders could not be sentenced to death under any circumstances. Death sentences must be confirmed by a superior court, and the accused had the right to appeal to a higher court or the supreme court, which had guidelines on clemency and the treatment of prisoners on death row. The socioeconomic circumstances of an accused person were among the new mitigating factors considered by courts when commuting death sentences to life imprisonment. The President and the governors of states had the power to grant pardons, reprieves, respites or remissions of punishment, or to suspend or commute death penalty sentences.

70. Given that all States had a sovereign right to determine their own legal systems and to punish criminals in accordance with their laws, his delegation had voted in favour of the amendment. However, it had voted against the draft resolution because it was counter to Indian statutory law.

71. **Mr. Shahin** (Egypt) said that his delegation had voted against the draft resolution. The sovereign right of States to determine appropriate legal penalties for their societies, including applying the death penalty for the most serious crimes in accordance with international law, should remain unfettered. Countries with the death penalty must ensure that it was applied only for the most serious crimes, with a final judgment rendered by a competent court and in accordance with due process. International efforts should focus on strengthening commitments to ensure that no one was arbitrarily deprived of life.

72. The draft resolution sought to reinterpret the provisions of the International Covenant on Civil and Political Rights in the light of developments in the laws of certain countries and to impose that interpretation on other countries. Furthermore, the draft resolution dealt with only one aspect of the right to life, thus representing yet another example of the selectivity that Member States had pledged to avoid in the United Nations.

73. The draft resolution lacked balance and the changes necessary to reflect the diverging views of

Member States. There was no international consensus that the death penalty should be abolished, and none of the key international human rights instruments prohibited its use; it remained an important component of the criminal justice system in many countries. States had a responsibility to protect the lives of innocent civilians and render justice to victims and their families. Arguments against the death penalty tended to focus on the rights of the offender, but those rights must be weighed against the rights of the victims, their families and the broader right of communities to live in peace and security.

74. The Charter of the United Nations clearly stipulated that none of its provisions authorized the Organization to intervene in matters that lay within State jurisdiction. Each State had the right to choose its legal and criminal justice system without interference from other States. Despite the widespread support for the amendment sponsored by Egypt and its incorporation into the text, the draft resolution did not sufficiently address his delegation's concern about respect for the principle of sovereignty enshrined in the Charter. No country should seek to impose its views on the death penalty on other States.

75. **Mr. Sautter** (Germany), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union was grateful to Member States that had supported the draft resolution, which called upon States to proclaim and maintain a moratorium on the use of the death penalty as a matter of human rights. The sponsors of the draft resolution were convinced that moratoriums contributed to enhanced respect for human dignity. There was no conclusive evidence of the deterrent value of the death penalty. Any miscarriage or failure of justice in the imposition of the death penalty was irreversible and irreparable. The main messages from previous versions of the text had been reaffirmed in the draft resolution, with some additions that brought added value, namely, new references to the importance of civil society in the public debate on the death penalty, the role of the human rights treaty bodies and the discriminatory application of the death penalty to women; a more precise reference to age assessments in the application of the death penalty; and a request that children and families be provided in advance with adequate information about a pending execution in order to facilitate a last visit.

76. During the negotiations, the authors had revised the text to reflect the broad range of proposals put

forward, while remaining true to the goals and purposes of the draft resolution. The draft resolution had already stated clearly that the question of the death penalty was guided by the purposes and principles of the Charter of the United Nations, including the principle of sovereignty. The amendment was therefore unnecessary, unbalanced and misplaced in a human rights resolution.

77. **Ms. Nguyen Tra Phuong** (Viet Nam) said that the sovereign right of States to choose their own legal and judicial system in accordance with their international law obligations should be respected. Depending on the particular circumstances of each country, the death penalty could be considered a necessary measure to deter and prevent the most serious crimes. Her delegation therefore welcomed the inclusion of the amendment proposed by Singapore and had abstained from voting on the draft resolution.

78. In her country, the death penalty was restricted to the most serious crimes and was carried out strictly in accordance with national laws and relevant international laws. As part of the ongoing legal and judicial reform in Viet Nam, the number of crimes subject to the death penalty had been reduced from 44 to 15. There were also provisions on the suspension of the death penalty for pregnant women, women nursing children under 3 years of age, juveniles and those aged 75 years or older.

79. **Mr. Landry** (Observer for the Holy See) said that the Holy See opposed the death penalty for any reason because it constituted an attack on the inviolability and dignity of the person. Recourse to the death penalty on the part of a legitimate authority following a fair trial had long been considered an appropriate response to the gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good. However, there was an increasing awareness that the dignity of the person was not lost even after the commission of very serious crimes. More effective systems of detention had been developed to ensure the due protection of citizens without definitively depriving the guilty of the possibility of a second chance. Building on the growing public opposition to the death penalty, the international community should continue to promote moratoriums leading to the complete abolition of the death penalty.

80. **Mr. Sadnovic** (Indonesia) said that his delegation had abstained from voting on the draft resolution. While recognizing the legitimate concern regarding a moratorium, his delegation was opposed to any calls for the abolition of the death penalty. The legality of the application of the death penalty was recognized in article 6, paragraph 2 of the International Covenant on Civil and Political Rights. Advocacy for the abolition of

the death penalty did not take into account the diverse legal systems and policy preferences of Member States.

81. **Ms. McDowell** (New Zealand), speaking also on behalf of Iceland, Liechtenstein and Norway, said that the four countries opposed the death penalty – a violation of human rights and an ineffective means of deterrence – in all circumstances. A judicial mistake was always a possibility in any legal system and would prove deadly if the death penalty was in place. The welcome adoption by the Human Rights Committee of its general comment No. 36 (2019) on the right to life reflected the growing consensus that the death penalty was not a valid exception to the right to life, taking an unambiguously pro-abolitionist stance.

82. Those countries welcomed the increasing number of States that regarded the death penalty as violating the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Although the amended draft resolution stated that it was the sovereign right of States to develop their own legal systems, including determining appropriate legal penalties in accordance with their obligations under international law, that acknowledgement should not be interpreted to permit the use or imposition of the death penalty in any circumstances.

83. **Ms. Alnesf** (Qatar) said that her delegation had voted against the draft resolution contained in document A/C.3/75/L.41. Certain paragraphs failed to take into account the sovereign right of States under the Charter of the United Nations to choose their legal systems, including by establishing penalties in accordance with their national legislation and obligations under international law. Qatar had voted in favour of the proposed amendment contained in document A/C.3/75/L.54, which affirmed the sovereign right of States under the Charter.

Agenda item 111: Crime prevention and criminal justice (*continued*) (A/C.3/75/L.5 and A/C.3/75/L.8/Rev.1)

Draft resolution A/C.3/75/L.5: Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs

84. **The Chair** said that the draft resolution had no programme budget implications.

85. **Mr. Lam Padilla** (Guatemala), introducing the draft resolution also on behalf of Spain, said that the purpose of the draft resolution, which was a technical

rollover of General Assembly resolution [73/189](#), was to address a subject that had not received much attention in the Committee, namely, the crimes of trafficking in persons for the purpose of organ removal and trafficking in human organs. Those crimes should be addressed with a focus on human rights, health and criminal justice, so as to enable the development of effective national policies and international and regional collaboration frameworks to combat them. Appropriate collaboration and training of health authorities and specialists and national security forces would be required to prevent and prosecute the two types of trafficking. The United Nations system should continue to provide health, justice and human rights guidelines to States for developing orderly and ethical systems for the acquisition and transplantation of organs. Effective national transplant systems, governed by the principles of transparency, equal access and altruism, could drastically reduce cases of trafficking.

86. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Antigua and Barbuda, Armenia, Australia, Belarus, Belgium, Belize, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, El Salvador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Montenegro, Morocco, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, San Marino, Serbia, Slovakia, Slovenia, Sri Lanka, Switzerland, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland and Uruguay.

87. He then noted that the following delegations also wished to become sponsors: Albania, Djibouti, Guinea, Nigeria and Philippines.

88. *Draft resolution [A/C.3/75/L.5](#) was adopted.*

89. **Ms. Korac** (United States of America) said that her country remained concerned about the rise of a black market for organs supplied by people in desperate situations and those forced or coerced into having their organs removed. Although United States prosecutors made every reasonable effort to protect the dignity and security of victims, her country was not able to fulfil the request, in paragraph 10 (b) of the draft resolution, to protect anonymity. Under the United States Constitution, defendants had a right to see the evidence against them and to confront their accusers. The fundamental protections of the criminally accused precluded any legislation purporting to grant anonymity to victims.

90. Individuals who sold their organs contributed to a black market that jeopardized the health of organ sellers and recipients. Given that, in most circumstances, persons trafficking in organs were committing a crime, States did not have an international law obligation to protect them. By offering the broad protection under paragraph 10 (b) and (c) of the draft resolution, the international community was inadvertently supporting that black market.

91. Regarding the references to the World Health Organization (WHO), the United States was terminating its relationship with that organization and redirecting the foreign assistance funding planned for WHO to other deserving organizations and urgent health needs around the world. The United States had submitted a notice of withdrawal from WHO, which would take effect on 6 July 2021.

92. Her delegation had addressed its concerns on other topics, including health care, in its detailed statement delivered at the 7th meeting (see [A/C.3/75/SR.7](#)).

Draft resolution [A/C.3/75/L.8/Rev.1](#): Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

93. **The Chair** said that the draft resolution had no programme budget implications.

94. **Ms. Zappia** (Italy), introducing the draft resolution, said that additions had been made to the text of General Assembly resolution [74/177](#) to include important developments, such as the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and the recent launch of the review process of the Mechanism for the Review of the Implementation of the Convention. Concern was expressed about the potential impact of the coronavirus disease (COVID-19) pandemic on criminal phenomena and about the increase in violence against women and girls during the pandemic. The President of the General Assembly had been invited to organize a high-level debate on urban crime during the seventy-fifth session, given the impossibility of holding such a debate during the previous session.

95. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Algeria, Andorra, Argentina, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Czechia, Denmark, Dominican Republic, Egypt, El Salvador, Finland, France, Georgia, Guatemala, Hungary, India, Israel, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Libya,

Lithuania, Madagascar, Micronesia (Federated States of), Montenegro, North Macedonia, Norway, Palau, Paraguay, Philippines, Poland, Republic of Korea, Romania, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Serbia, Singapore, Sweden, Switzerland, Thailand, Tunisia, United Republic of Tanzania, United States of America and Uruguay.

96. He then noted that the following delegations also wished to become sponsors: Bahamas, Botswana, Democratic Republic of the Congo, Ghana, Guinea, Mali, Pakistan, Papua New Guinea, Sao Tome and Principe, Senegal, Sierra Leone, Trinidad and Tobago, Uganda, Zambia and Zimbabwe.

97. *Draft resolution [A/C.3/75/L.8/Rev.1](#) was adopted.*

98. **Mr. Roscoe** (United Kingdom) said that his country was fully committed to preventing and countering criminal activities carried out over the Internet and therefore welcomed the call in the draft resolution for States to strengthen law enforcement cooperation at the national and international levels, including with the aim of identifying and protecting victims. However, his delegation was disappointed that no reference had been made to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse in paragraph 54, in which the term “child pornography” remained. The use of that term presented many problems, including the fact that children could not consent to their own abuse and that all sexual abuse materials including children were images of child abuse. The United Kingdom supported those Guidelines because they included recognition of the seriousness of the harm suffered by victims. General Assembly resolution [74/174](#) on countering child sexual exploitation and sexual abuse online reflected those Guidelines and the international legal obligations under the Convention on the Rights of the Child and the Optional Protocols thereto. His delegation would have preferred to have seen that language reflected in the draft resolution.

The meeting rose at 5.25 p.m.